

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 09-CR-043-SPF
)	
LINDSEY KENT SPRINGER and)	
OSCAR AMOS STILLEY,)	
)	
Defendants.)	

ORDER

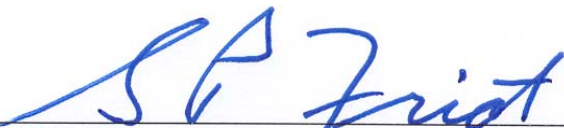
Two motions are before the court, namely, defendant Springer's Motion to Reconsider Release on Bond and for Evidentiary Hearing (doc. nos. 368 and 369) and defendant Springer's Amended Motion to Reconsider and for Evidentiary Hearing (doc. nos. 371 and 372). The government has responded to the motions, doc. no. 375.

The court has previously carefully considered Mr. Springer's requests to be released, subject to conditions, pending appeal. *See, e.g.*, the order entered on May 7, 2010, doc. no. 363. The main difference between the present motions and the matters which were addressed in the May 7, 2010 order is that the defendant now requests an evidentiary hearing for the purpose of presenting evidence on the question of whether he is a flight risk. Doc. no. 368, at 3. As to all matters presented by the motions now under consideration, except the request for evidentiary hearing, the court adopts, and will not repeat here, the reasoning and conclusions set forth in the May 7, 2010 order. As for the request for evidentiary hearing, the court is well satisfied that an evidentiary hearing would be of no assistance in enabling the court to evaluate Mr. Springer's request that he be released pending appeal. This case was tried for approximately three weeks, and the trial was followed by sixteen hours of sentencing proceedings.

Doc. no. 336 (Minute Sheet –Sentencing). In addition, the court has had the benefit of a comprehensive Presentence Investigation Report, as well as numerous post-trial pleadings filed by Mr. Springer. The court’s concerns, and the related conclusions, remain the same as set forth in the May 7, 2010 order. On the basis of the court’s thorough familiarity with the facts of this case and the history and characteristics of the defendant Lindsey Springer, the court concludes that Mr. Springer has not shown, and cannot show, by clear and convincing evidence that he is not a flight risk. This, of course, is aside from the court’s previous conclusion that Mr. Springer is also unable to satisfy the legal merit prong of the test established by 18 U.S.C. § 3143(b).

Accordingly, Mr. Springer’s motions, doc. nos. 368 and 369, and doc. nos. 371 and 372, are in all respects **DENIED**.

DATED June 8, 2010.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE